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SENATE

{ REPORT
No. 1007

DISTRICT OF COLUMBIA TRAFFIC BILL

FEBRUARY 3 (calendar day, FEBRUARY 5), 1925.—Ordered to be printed

Mr. BALL, from the Committee on the District of Columbia, submitted the following

REPORT

[To accompany S. 4207]

The Committee on the District of Columbia, to whom was referred the bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes, having had the same under consideration, reports favorably thereon without amendment and recommends that the bill do pass.

The traffic situation in the District of Columbia has been exhaustively considered by your committee pursuant to Senate Resolution 419, Sixty-seventh Congress. Extensive hearings were held thereunder during the first session of the Sixty-eighth Congress and a report was made with recommendations for legislation deemed essential to remedy present conditions. (S. Rept. No. 84, 68th Cong., 1st sess.)

At the present session of the Congress the Committees of the District of Columbia of the Senate and of the House of Representatives, in joint meetings during the months of December, 1924, and January, 1925, held further hearings at which the views of nationally prominent traffic experts and administrators were obtained as to the best possible method of meeting by legislation the traffic conditions such as at present obtain in the District of Columbia.

ENLARGEMENT OF POLICE COURT

As a result of the survey and hearings the need for enlargement of the police court so as to provide means and facilities for the hearing at separate sessions of the police court of traffic cases exclusively is determined by your committee to be of the utmost importance. More than 50,000 cases are brought to the police court each year and the dockets are at present overcrowded to such an extent that a court

with two police judges can not meet the situation. The population of the District has almost doubled within the past 25 years and the problems of traffic control have been much complicated in this period by the advent of the motor vehicle. An increase of two additional police judges is the minimum that the Congress should grant if the work of this court is to be administered promptly and efficiently. Section 3 of the bill provides that there shall be four police judges and there is contained in this section the requirement that the police court shall be open continuously from 10 o'clock in the morning until 11 o'clock at night for the hearing of cases involving violations of traffic laws and regulations.

Under the present requirements of law jurors in the police court must serve for a period of three months. Your committee believes it highly desirable in order to insure that a proper class of jurors can be obtained for service in the police court, without undue hardships upon such jurors, that the term of service of jurors drawn for the police court should be shortened to two weeks. Accordingly section 4 of the bill provides for an amendment to the Code of the District of Columbia to provide for such jury term. In addition it is provided that such number of jurors shall be drawn and certified as the police court may require for jury service at any term of the court.

TRAFFIC DIRECTOR

As the result of facts developed by your committee and after hearing the views of the most eminent traffic experts of the country, it is the opinion of your committee that traffic legislation by the Congress should not be drawn in such detail as to hinder rather than encourage the cooperation of the great mass of motor-vehicle operators in the general purpose to obtain the best possible enforcement of traffic laws. The general aim of such legislation should be to leave the great mass of detailed regulation to be prescribed by a responsible official whose orders and rules, within limits fixed by the statute, should have the effect of law. This will provide the elasticity in regulation which will permit the development of uniformity of traffic regulation throughout all the States which is so desirable and which can not be accomplished readily through direct legislation.

Accordingly section 5 of the bill provides for a traffic director for the District of Columbia, to be appointed by the commissioners for a term of three years, with a salary to be fixed in accordance with the classification act of 1923. The director shall perform such duties as are specifically prescribed by this act and such further duties as the commissioners may require. The director shall make regulations for control of traffic and may prescribe penalties of fine or imprisonment not to exceed one year for violations of such regulations. All such regulations shall be effective when adopted and promulgated by the commissioners in accordance with law.

The power to make reasonable police regulations and to prescribe penalties for violations of such regulations has for many years been exercised by the commissioners under the act approved January 26, 1887 (24 Stat. 368), and under the act approved February 26, 1892 (27 Stat. 394). Similar power was granted to the commissioners in the District of Columbia traffic law approved March 3, 1917 (39 Stat. 1012), and in the gas tax law approved April 23, 1924 (Public,

No. 104, 68th Cong., 1st sess.). The Congress has undoubted power to delegate to administrative officers the making of reasonable regulations with respect to administrative details and to make violations thereof a crime. (*Grimaud v. United States*, 220 U. S. 506; *United States v. Sacks*, 257, U. S. 37; *United States v. Janowitz*, 257 U. S. 42; *Avent v. United States*, 45 Sup. Ct. Rep. 34.)

The director is also given charge of the issuance of registration certificates and operators' permits. Under the provisions of section 12 the director must revoke operators' permits where, upon conviction of certain offenses, revocation is mandatory, and he may in his discretion revoke or suspend permits in such cases as he deems advisable after due notice and hearing. Section 13 of the bill provides that the director may make regulations for the impounding of motor vehicles and payment of a fee therefor as a means of enforcing proper observance of parking regulations.

ADDITIONAL POLICE

Section 18 of the bill authorizes the augmenting of the Metropolitan police force by the appointment of 300 additional privates. It has been brought very forcibly to the attention of your committee that the present number of policemen is entirely inadequate to handle the motor-vehicle traffic of the District. The addition of 300 policemen will permit the stationing of officers at important street intersections which are now left entirely without supervision, and the proper patrolling of sections of the city which have little or no police protection under the present practice because of an entirely inadequate force. It is believed from the experience of other large cities that there will be a perceptible drop in the number of violations of traffic laws as soon as motor-vehicle operators become aware that the District has obtained a sufficient number of policemen to insure enforcement.

OPERATORS' PERMITS

Section 6 of the bill prescribes the requirements for issuance of operators' permits. They shall be issued annually and shall expire on March 31 of each year, the fee therefor to be \$2. The director of traffic may require examination to determine the physical, mental, and moral fitness of any applicant. No permit may be issued to an individual under 16 years of age. Persons in possession of permits at the time this bill becomes law may obtain a permit without examination, such permit to expire on March 31, 1926. In case a permit is lost a duplicate shall be furnished upon payment of a fee of 50 cents. This section will become effective 60 days after the bill becomes law.

NONRESIDENTS

Under section 7 a resident of any State, Territory, or foreign country who has complied with the laws of such State, Territory, or foreign country in respect of registration of motor vehicles and licensing of operators is exempt from the provisions of section 6, under such reciprocal arrangements as the State, Territory, or foreign country makes for like exemption of residents of the District. Any operator not a resident of the District must submit to examination

and obtain a permit to operate in the District if he has not complied with the laws of the State, Territory, or foreign country in respect of registration of motor vehicles and licensing of operators. If any such operator is convicted of a violation of any provision of the bill requiring the revocation or suspension of an operator's permit, his right to operate in the District shall be suspended for such period as the director may prescribe.

SPEED LIMITS—MAJOR OFFENSES—PENALTIES

In section 8 of the bill it is provided that no motor vehicle shall be operated upon any public highway of the District at a rate of speed greater than 25 miles per hour under any circumstances. However, if the rate of speed exceeds 20 miles per hour, it shall be deemed prima facie evidence that the motor vehicle is operated recklessly, or at any rate of speed greater than is reasonable and proper, or so as to endanger life or property.

Under provisions of section 9 mandatory jail sentences, in addition to heavy fines, are prescribed for the following offenses, viz: Reckless driving, fleeing from the scene of an accident, and driving while under the influence of intoxicating liquor or narcotic drugs.

In section 10 the use or possession of any device intended to create a smoke screen or the possession of a motor vehicle specially fitted for such device is made a felony punishable by imprisonment in the penitentiary for a term of not less than one year nor more than five years.

It is the opinion of your committee that drastic penalties for these more serious traffic offenses are necessary in order to curb the activities of that class of operators who wantonly disregard the rights of persons using the public highways or frustrate the efforts and endanger the lives of policemen in their enforcement of the law.

ARTERIAL HIGHWAYS

Section 14 of the bill authorizes the director of traffic to establish arterial highways for the purpose of expediting motor vehicle traffic and to provide for the equipment of such highways with traffic control lights and other devices for the proper regulation of traffic. The experience of the larger cities of this country as brought out in the hearings before the committee, has demonstrated the value and practicability of main arteries of traffic as one of the most efficient means of solving major traffic problems involved in the slowing up of traffic during the hours of greatest congestion, such congestion being largely due to the fact that proper facilities are lacking for the continuous and rapid movement of motor vehicles. The establishment of arterial highways in the District of Columbia will likewise be a great help in solving the problem of traffic congestion.